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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,351	03/26/2004	Takehisa Katsura	89277.0024	8249

26021 7590 06/09/2006

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EXAMINER

LUM VANNUCCI, LEE SIN YEE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/810,351	KATSURA, TAKEHISA	
	Examiner	Art Unit	
	Lee Lum	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-13 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) all is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. An Amendment was filed 4/5/06 in which Claims 1, 14 and 20 were also cancelled.
2. The following Claims are objected to because "a/an", instead of "the", should precede the respective elements:
In Claims 2, 4, 8, 12, 15, 16, about line 8 – portion,
In Claim 8, last line – external face, inner side.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-13 and 15-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

All Claims employ language that is so obtuse and "long-winded" such that the invention is virtually incomprehensible. The following issues exist.

In Claims 2, 4, 8, 12, 15, 16, "creating a space opened outward in crossection" (emphasis added) is unclear. It is suggested that the phrase be replaced with "creating an open crossection", or similar.

In the same claims, the subsequent phrase "such that the connecting wall has an external face in the portion that requires high strength" (emphasis added) is unclear. It is unclear why this portion of the frame "requires high strength". Nevertheless, it appears that the "reason" for this portion of the main frame (?), *as best understood*, has already been established in the first paragraph of the body; "a portion that requires a high strength...". Therefore, this phrase is redundant, and detracts from comprehension of the invention.

In the same claims, the claim language, and arrangement are such that the structure of each of the "main frame" and "reinforcing member" is almost impossible to identify. It is equally unclear what element (if any) includes the "pair of sidewalls and connecting wall".

In Claims 5, 6, 18, 19, the language, "wherein the down frame (tank rail) is so disposed [as] to close the opening on the underside of the lower (upper) gusset" is unclear because, *as best understood*, the "connecting wall" operates to "close the opening". That is, this language appears redundant (and obscures comprehension).

In Claims 7, 8, 10, the structure of the "connecting portion" is unclear. In Claim 7, it is also unclear how this portion is "formed integrally with the headpipe unit to connect rear portions of the upper and lower gussets" when the portion is towards the front of the vehicle, and the "rear portions of...gussets" are towards the rear.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

As best understood, **all Claims** are rejected under 35 U.S.C. 102(b) as being anticipated by Tsukahara 5353888.

As best understood, Tsukahara discloses a frame for a motorcycle comprising
Main frame including elements 2,15-17, having forged* reinforcing members 11,12, as
broadly and reasonably interpreted, and,

Pair of sidewalls 43 connected by wall 42, such that an open crosssection is
created (fig 5), *as best understood*,

The main frame further comprising

Headpipe 3 with (unidentified, inherent) openings for supporting front fork 5,

Upper and lower gussets (unidentified respective portions of gusset 51)
extending obliquely downward,

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Wherein the reinforcing member comprises, *as best understood*,

Upper 32, and lower 33, heads connected to upper, lower ends (fig) of the headpipe, with bearing seats 34,35,

Down frame 12 covering lower edges of the lower gusset, and having the external face (unidentified bottom surface of element 12) of the connecting wall facing downwards, and the sidewalls (unidentified sides of element 12) jointed to each lower edge of the lower gusset (fig 2), *as broadly and reasonably interpreted*,

Tank rail 11 (fig 2) extending from the upper head, and covering the upper edge of the upper gusset, and having the external face (unidentified bottom surface of element 11) of the connecting wall facing downwards, and the sidewalls (unidentified sides of element 11) jointed to each upper edge of the lower gusset (fig 2), *as broadly and reasonably interpreted*,

Rear arm brackets 14, *as broadly and reasonably interpreted*, and,

Down tubes (portion between tubes 2 and 13), *as broadly and reasonably interpreted*.

* The means by which this component is made is immaterial in apparatus claims.

5. RESPONSE TO REMARKS

Upon reconsideration, Examiner provides new rejections, and *sincerely apologizes for the inconvenience* caused by overlooking serious clarity issues. Because of these issues, Tsukahara arguably obviates all limitations.

6. Communication with the Examiner/USPTO

Any inquiry concerning this communication, or others, should be directed to Ms. Lum at 571 272 6649, M-F, 9-5. If she can't be reached, her supervisor, Ms. Lesley Morris, may be reached at 571 272 6651. Our fax number is 571 273 8300.

Information re the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) System as follows: for unpublished apps - private PAIR only, for published apps - private or public PAIR. For more info on PAIR - <http://pair-direct.uspto.gov>. For more info on private PAIR - call the Electronic Business Center at 866 217 9197.

Ms. Lee Lum-Vannucci, Examiner
6/6/06

